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This is in response to the Official Action mailed January 25, 2005.

The rejection of claims 1-2, 6-15, 19-28, and 32-39 under 35 USC 103(a) as being not patentable over the combination of the Schuetze Publication (20030074368) (hereafter Schuetze) in view of Chaudhry (US6,567,107) is respectfully traversed.

Like the art in the previous rejection in this prosecution, the above cited prior art still relates to the prioritization of a list of Web documents resulting from a Web search and not to the implementation of the present invention: prioritizing the actual visual hyperlinks in a received displayed hypertext Web document by visually distinguishing the displayed hyperlinks in the displayed Web document from each other.

The basic Schuetze publication describes various parameters that are used in determining the weight of a Web document (page) in determining the importance of that Web document with respect to other such Web documents in the listed results of a Web search. Paragraph [0013] states that the inlinks (hyperlinks) in a given Web document are accorded a weight based upon the weight of the Web document linked to that inlink. Likewise, it states that outlink activity for the same Web document (i.e. the number of times that the Web document is accessed from other hypertexted Web documents) also has a calculated weight. The paragraph goes on to state that both of these weights for the document are integrated: "resulting in an importance score for each retrieved page" in the Google search engine so that such retrieved Web pages could be given a resulting priority listing in the Google search results presented to the user.

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Schuetze's weight accorded to such "inlinks" is merely an intermediate transitory state which is part of the Google search engine. It is never displayed as part of any final Google listing of search results. In fact, there would be no reason why anyone would ever consider displaying such an intermediate weighted inlink for a Web document in the Google search algorithm. It would only confuse the searching user. All the user needs is the final prioritized list of Web documents in the search results. The intermediate prioritization sub-steps such as the one described in paragraph 0013 of Schuetze relied on by Examiner are conducted out of the user's sight. There is no reason whatsoever in Schuetze as to why such intermediate Web document prioritizations would be displayed.

In this connection, Examiner concedes that Schuetze "does not explicitly teach, 'visually distinguishing said plurality of embedded hyperlinks from each other based upon said prioritizing'...." However, the Examiner then goes to the Chaudhry patent in an attempt to make up for this deficiency in Schuetze. Why would one skilled in the art be led to seek means for visually displaying priority differences of hyperlinks in a never-to-be-displayed intermediate prioritization stage in Web document search engines? Answer: Only in light of Applicants' own teaching, which is improper. This combination of references is being made not with the requisite foresight of one skilled in the art, but rather with the hindsight obtained solely by the teaching of the present invention. This approach cannot be used to render Applicants' invention unpatentable.

"To imbue one of ordinary skill in the art with knowledge of the invention in suit, when no prior art references of record convey nor suggest that knowledge, is to fall victim to the insidious

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effect of a hindsight syndrome wherein that which only the inventor taught is used against its teacher." W. L. Gore, 721 F 2d at 1553, 220 USPQ, pp. 312-313.

"One cannot use hindsight reconstruction to pick and choose among isolated disclosures in the prior art to deprecate the claimed invention." In re Fine, 5 USPQ 2d 1596 (C.A.F.C.) 1988.

However, even in a combination of Schuetze and Chaudhry, there is no suggestion of the present invention. The Examiner cites col. 3, lines 20-40 of Chaudhry. In this section and in the remainder of the Chaudhry teaching, there is no suggestion whatsoever that the embedded hyperlinks in a received displayed Web page i.e. Web document may be prioritized and then visually distinguished based upon prioritization. Here, again in Chaudhry, there is the prioritization of a list of Web documents resulting from a Web search. The resulting Web documents are then displayed in a sequence wherein each Web document is displayed for a period of time corresponding to its priority level i.e. the higher priority documents are displayed for a longer period of time. There is nothing in this section which suggests that the individual hyperlinks in each displayed Web document may be visually distinguished for any reason whatsoever.

If the Examiner is contending that the display time differences represent visual distinguishing, these differences relate to a sequence of prioritized Web documents from a search result, and not to the hyperlinks in any displayed Web documents. The Examiner refers to col. 5 referring to Fig. 6 in Chaudhry but these also relate only to the prioritization of a list of Web documents found in a Web search by a search engine.

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